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IN THE UNITED STATES DISTRICT COURT

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FOR THE WESTERN DISTRICT OF WISCONSIN

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LUIS A. RAMIREZ,  
PLAINTIFF,

09 C 314 C

V.

CASE NO

COMPLAINT

JANE DOE 1 (Dr. Sullivan),

GREG GRAMS, RICK RAEMISCH,

JANE DOE 2 (S. SITZMAN) JANE DOE 3

(ALSUM), JANE DOE 4, JANE DOE 5, JOHN

DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4,

JOHN DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN

DOE 8, JOHN DOE 9, JOHN DOE 10, JOHN DOE 11,

JOHN DOE 12,

Defendants.

## I. JURISDICTION & VENUE

1) This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202. Plaintiffs claim for injunctive relief are authorized by 28 U.S.C. section 2283 & 2284 and Rule 65 of the Federal Rules of civil procedure. The court has supplemental jurisdiction over any state claim under 28 U.S.C. section 1367.

2) The U.S. district court for the western district of Wisconsin is an appropriate venue under 28 U.S.C. section 1391(b)(2) because it is where the events giving rise to this claim occurred.

## II PLAINTIFF

3) Plaintiff LUIS ANTONIO RAMIREZ, is and was at all times mentioned herein a

prisoner of the state of wisconsin in the custody of the wisconsin department of corrections. he is currently confined in columbia correctional institution, in portage, wisconsin.

### III DEFENDANTS

4) Defendant JANE DOE 1 (DR SULIENE) is the medical doctor in columbia correctional institution. and is legally responsible for the inmates health and prescriptions of medication ordered to treat the inmate. she is responsible for all patients/inmates treats in columbia correctional institution.

5) Defendant GREG GRAMS is the warden of columbia correctional institution. he is legally responsible for the operation of columbia correctional institution and for the welfare of all the inmates of that prison.

6) Defendant RICK RAENISH is the secretary of the department of corrections in wisconsin. he is legally responsible for the overall operation of the department and each institution under its jurisdiction, including columbia correctional institution.

7) Defendant JANE DOE 2 (S. SITZMAN) she was the unit manager here at columbia correctional institution at all times in questions in the year 2007. she was in charge and responsible for the operation of H.S.V. nurses, clerks, doctors... and there actions here in columbia correctional institution.

8) Defendant JANE DOE 3 (L. ALSUM) is the H.S.V. unit manager here at columbia correctional institution at all time in question after S. SITZMAN quit. she is in charge and responsible for the operation of H.S.V. nurses, clerks, doctors... and there actions here in columbia correctional institution.

9) Defendant JANE DOE 4 is a correctional officer of the wisconsin department of corrections who, at all times mentioned in this complaint, held the rank of SGT and was assigned to columbia correctional institution.

10) Defendant JANE Doe 5 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of CAPT. and was assigned to Columbia Correctional Institution.

11) Defendant JOHN Doe 1 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of Sergeant and was assigned to Columbia Correctional Institution.

12) Defendant JOHN Doe 2 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of sergeant and was assigned to Columbia Correctional Institution.

13) Defendant JOHN Doe 3 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of CO II and was assigned to Columbia Correctional Institution.

14) Defendant JOHN Doe 4 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of CO II and was assigned to Columbia Correctional Institution.

15) Defendant JOHN Doe 5 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of CO II and was assigned to Columbia Correctional Institution.

16) Defendant JOHN Doe 6 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of CAPT. and was assigned to Columbia Correctional Institution.

17) Defendant JOHN Doe 7 is a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of CO II and was assigned to Columbia Correctional Institution.

18) Defendant JOHN DOE 8 IS a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O. and was assigned to Columbia Correctional Institution.

19) Defendant JOHN DOE 9 IS a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O. and was assigned to Columbia Correctional Institution.

20) Defendant JOHN DOE 10 IS a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O. and was assigned to Columbia Correctional Institution.

21) Defendant JOHN DOE 11 IS a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O. and was assigned to Columbia Correctional Institution.

22) Defendant JOHN DOE 12 IS a correctional officer of the Wisconsin Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O. and was assigned to Columbia Correctional Institution.

#### IV FACTS

23) I was being treated for complex regional pain syndromes (C.R.P.S.) in Waupun Correctional Institution with Methadone by Dr. Larson from 2005 until my transfer to Columbia Correctional Institution on 2-7-07 8:00 AM.

24) ON 2-7-07 I was transferred to Columbia Correctional Institution and at this time Dr. Sulien stopped my Methadone without seeing me, talking to me, or giving me a physical.

25) because of Dr. Sulien's professional negligence (her stopping my Methadone abruptly) I went into withdraws which consisted of vomiting, dizziness, tremors,



cold sweats, I was itching like there were fire ants in my skin, headaches, I could not sleep I thought I was going to die and sometimes I prayed for death. I even went as far as planning and considering suicide. This went on for over 2 weeks but it felt like a lifetime. every second of suffering dragged on for what seemed like hours every hour seemed like days. I would get up off the bed to go to the toilet to vomit but sometimes I would be too dizzy to make it and I would vomit on the floor. I swore I was going to die, by Dr. Sullivan causing the withdraws by stopping my methadone so abruptly she was deliberately indifferent to my serious medical need and inflicted pain and suffering on me unnecessarily she disregarded a substantial risk of serious harm even death to me. This is cruel and unusual punishment in violation of my 8<sup>th</sup> Amendment right to the U.S. Constitution.

26) For the whole time I was going through withdraws I informed the CO, CO II, Sgt, and 2 Capt. what was going on and none of them did nothing I informed (SITZMAN) so did the ICE I informed Jane 2, 4, 5 and none of them tried to help or get me help they just said it will pass. I tried also telling JOHN DOE 1-12 on many different occasions and they did not get me help all these defendants saw I was in pain and very sick and did nothing about it so they were all deliberately indifferent to my serious medical need.

27) I did not see Dr. Sullivan until 3-28-07 49 days after I got to C.C.F. I had to go without pain pills all this time and even then she did not put me on a pill that treats CRPS. I've been in excruciating pain from 2-7-07 and it's still ongoing I've told Guard: MS ALUM (Jane Doe 3) H.S.V. Manager I've written to Senator LENA C. TAYLOR MS Taylor tried to help and get me back on my pain pills but CCI are not trying to do this. This is the 'unnecessary and wanton infliction of pain' establishing an 8<sup>th</sup> Amendment violation.

28) on 6-21-07 I saw Dr. Sullivan and at this point it's been 133 days that I have been in excruciating pain I told her the pill she ordered was not working. She told me "because you stopped your pill you can prescribe your own medication" This is cruel and unusual punishment because she knew I would continue being in excruciating pain without any pain medication. The only thing she ordered

was regular Tylenol that you can buy on canteen. (This was intended to make me suffer to try to teach me a lesson not to question the doctor. Dr. Sullivan intentionally denied me medical treatment so I would suffer excruciating pain this is contrary to the 8th Amendment to the U.S. Constitution and against international laws of torture because that's what this was. If I was on methadone for the pain she knew regular Tylenol were not going to do anything she might as well have given me Tic-Tacs) This is cruel and unusual punishment and torture.

29) ON JULY DR. Sullivan put me on Darvocet AT A Lower dose then what I was on in Waupun Corr. Inst. (WCI) and I told her I was already on this and that this medication is not meant for a long term pill because of the Tylenol in it.

30) ON 1-8-08 DR. Sullivan put me on Tramadol and stopped my Darvocet AFTER I told her that I was still in pain and that Darvocet can mess my liver up if used for long periods of time.

31) ON 1-9-08 I found out that Tramadol interacted with my psychotropic medication Amitriptyline and I filed an ICE COB-2008-1852 The medication Tramadol was discontinued on 1-14-08.

32) ON 1-15-08 Dr. Sullivan overstepped her boundaries and got reckless. She discontinued my Amitriptyline my psychotropic and lied to my psychiatrist by telling him my serum level was too high. In order to put me on Tramadol. This action caused me to go without sleep and to become unstable. This medical doctor (Dr. Sullivan) discontinued my psychotropic for her own selfish reason by doing this. This medical doctor was and is still being deliberately indifferent to my serious psychological need because I'm having thoughts of killing myself I can't sleep and am hearing voices again.

33) I was writing to H.S.U. and The doctor Telling Them That Tramadol was not working Dr. Sulien Told me IF I don't Take Tramadol she will no longer Treat me.

34) A Little while AFTER I started on Tramadol I became very violent I started catching C.R. For going off for no reason I was getting so Angry For The smallest reasons My Thoughts of suicide have increased and I Attempted To Get help but I could not Find out why I was Feeling Like This.

35) ON 11-14-08 I was given The INFORMATION sheet For tramadol. This sheet Read This pill will give strong Feelings of nervousness, Anger, restlessness, violence, or scared. (IT also said will Make me start acting reckless This explain why I'm starting to act The way I was) IT also reads bipolar patients or anyone who has tried to COMMIT suicide can NOT take this pill will increase thoughts of suicide (and I have been put in observation for An alleged suicide Attempt Recently)

36) I'm bipolar and have Attempted suicide in The past Dating back to when I was 16 years old. I should NOT be on This Medication, This Medication Added on To Dr. Sulien Stopping My pSychoTropic Medication AMITRIPTYLINE when she is NOT A psychiatrist is Deliberate indifference To My serious pSychological need and has put me in danger of killing Myself and has made me unstable

37) ever Since February 7, 2007 I've been in unbearable pain in different Levels Depending on what Medication I was on but This pain is The only Thing consistant in My life I wake up with pain and at The end of The Day I'm in pain. That's My only reality pain Dr. Sulien has been Deliberately indifference To My serious medical



condition for over 2 years.

38) I've written ALOT OF health service Requests To H.S.U. I've spoken To Dr. Sulien and have Told her That I'm in pain I've even asked For her To cut My Foot off because The pain has gotten That bad This is all Documented back To 2007.

39) The issue OF Tramadol messing with My Mental health and NOT working For The pain is also Documented

40) ALL issues Are all connected by many common denominators Dr. Sulien refusing To Treat My pain her discontinuing My pain pills and Throwing me into withdraws Then she refused To Treat me with anything That works but discontinued A psychotropic pill which she had no Authority To do, Just To put me on A pain Medication which she knew would cause me mental problems because Ms. Alison H.S.U. Manager and The ICI Told her before she ordered/prescribed it. and This Medication she prescribed which is causing me To Try To Kill Myself and is Driving me crazy Does NOT work on My pain.

#### IV Exhaustion of Administrative Remedies

41) Luis Ramirez Exhausted all Available Administrative remedies with respect To The issue's OF deliberate indifference To My serious Medical need /professional negligence For Dr. Sulien - discontinuing My Methadone Throwing me into withdraws. see ICI-CCR-2007-4518

42) Luis Ramirez Exhausted all Available Administrative remedies with respect To The issue OF Cruel and unusual punishment and Torture For Dr. Sulien stopping all My pills and ordering Tylenols maliciously For no other reason Than To torture me, make me Fill pain, and To Teach me a 'Lesson'. see ICI-CCR-2007-18787 and ICI-



CCI-2008-8221

43) LUIS RAMIREZ Exhausted all Available Administrative Remedies with respect to the issue of Deliberate Indifference to my serious psychological need and putting me in danger of killing myself. For Dr. Sullivan putting me on Tramadol knowing it will give me strong feelings of nervousness, anger, restlessness, violence... and knowing I was bipolar and the pill is not supposed to be given to bipolar patients or any one who has tried to commit suicide because will increase thoughts of suicide. See ICI-CCI-2008-29803

44) A NOTICE OF INJURY and claim has been Filed To preserve my state issue/claim in conformance with § 893.80 WIS. STATS.

#### V CLAIMS FOR RELIEF

45) by subjecting plaintiff LUIS A. RAMIREZ To withdraws (vomiting, dizziness, tremors, cold sweats, itching, headaches...) because Dr. Sullivan stopped methadone cold turkey with full knowledge that if any patient is on methadone for long periods of time he/she must be weaned off slowly or you can throw them into withdraws. by Dr. Sullivan being a medical professional she owed me a duty to provide me with competent medical care and this doctor breached this duty by negligently stopping my methadone without seeing me first cold turkey knowing it would throw me into withdraws. This breach of duty caused me withdraws, pain, suffering... The harm I'm complaining of and I suffered damage physical, emotional damage as a result of this breach of duty establishing malpractice/negligence

46) By subjecting plaintiff LUIS A. RAMIREZ To pain and suffering and NOT getting a nurse or doctor when they saw him vomiting, pain, in pain, sweating... in withdraws JOHN DOE'S 1-12 and JANE DOE'S 2-5 were deliberately indifferent to my physical well being my serious medical need And even AFTER I told them I was sick and going through

withdraws They never got me medical help This is being deliberately indifferent to my serious medical, physical, and psychological need. and cruel and unusual punishment A clear violation of my 8<sup>th</sup> Amendment right to the U.S. Constitution.

47) by subjecting Luis Ramirez from February 1, 2007 to this present date to pain, discomfort Defendants Dr. Suliene Jane Does 1-5, John Doe 1-12, S. SIZMAN, Rick Raemisch, Greg Grams are all being deliberately indifferent to my serious medical need and are subjecting me to cruel and unusual punishment violating my 8<sup>th</sup> Amendment right to the U.S. Constitution because they all know of this condition and my pain and refuse to do anything about it.

48) by subjecting Luis Ramirez to the medication Tramadol and its side effects (of feeling scared, nervous, anger, restlessness, violence increase thoughts of suicide) by my life, safety, and psychological health being compromised by these side effects. even after I've told them about my suicidal thoughts my anger... They have done nothing. Making all Defendants deliberately indifferent to my serious psychological need in violation of the 8<sup>th</sup> Amendment to the U.S. Constitution. and these side effects have put my life in danger from myself (suicide)

49) all these issues establish both Test (1) The pain I'm in is objectively sufficiently serious so is my medical condition (C.R.P.S) complex regional pain syndromes. and the side effects are also serious because they have destabilized me and increasing my thoughts, wishes, and desire to kill myself. (2) All the Defendants know of my condition the pain I'm in and the fact that the medication Tramadol is messing with my mind. They all knew I was going through withdraws and did nothing. This is cruel and unusual punishment, deliberate indifference to my serious medical and psychological need an unnecessary and wanton infliction of pain violating my 8<sup>th</sup> Amendment right.

50) AS A DIRECT RESULT OF THE STATUTORY AND CONSTITUTIONAL VIOLATIONS SET FORTH HEREIN, PLAINTIFF LUIS A. RAMIREZ HAS SUFFERED, AND CONTINUES TO SUFFER, EXTREME PHYSICAL AND MENTAL PAIN AND SUFFERING. DR. SULLEN HAS ACTED WITH MALICE TOWARD PLAINTIFF LUIS RAMIREZ AND/OR RECKLESS INDIFFERENCE TO PLAINTIFF'S SERIOUS MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, AND HIS RIGHTS.

### RELIEF REQUESTED

WHEREFORE, PLAINTIFF LUIS RAMIREZ REQUEST THAT THE COURTS:

- 1) ISSUE A DECLARATORY JUDGEMENT STATING THAT:
  - a) THE ACTIONS OF DEFENDANTS DESCRIBED HEREIN ARE UNLAWFUL AND VIOLATE THE PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION, LAW, AND TREATIES OF THE UNITED STATES.
- 2) ISSUE A PRELIMINARY INJUNCTION ORDERING THE DEFENDANTS AND THEIR AGENTS TO:
  - a) SEND THE PLAINTIFF LUIS A. RAMIREZ TO A NEUROLOGIST AND A PAIN SPECIALIST AND A SPECIALIST WITH C.R.P.S.
  - b) BE TAKEN OFF OF TRAMADOL NEVER TO BE PUT BACK ON IT. AND PUT ON A DIFFERENT PAIN PILL.
- 3) GRANT OTHER INJUNCTIVE RELIEF AS FOLLOWS:
  - a) ORDER ALL D.O.C. DOCTORS NEVER TO STOP MEDICATION WHEN INMATE IS TRANSFERRED TO A NEW PRISON UNTILL THEY ARE SEEN AND EVALUATED BY A DOCTOR.
  - b) STOP TRAMADOL FROM BEING GIVEN IN THE D.O.C. BECAUSE THE SIDE EFFECTS OF VIOLENT AND ANGER AND SUICIDAL THOUGHTS.
  - c) BECAUSE I HAVE C.R.P.S. IN MY LEFT FOOT I CAN USE MY PERSONAL SHOES EVEN IN SEGREGATION IN ANY PRISON I GO TO BECAUSE IT HAS MORE PADDING THAN ANY OF THESE SHOES.



4) Grant compensatory, punitive, and irreparable damages in or around the following amount:

A) unknown for costs incurred for bringing this action;

B) \$2,500,000.00 against Dr. Sullivan for her stopping my Methadone cold Turkey and throwing me into withdraws, \$25,000 for the state claim against her;

C) \$250,000 for John Doe's 1-12 and Jane Doe's 2-5 for them not getting me help when I was going through withdraws and being deliberately indifference to my serious medical need and physical safety and health;

D) \$10,000,000.00 for 2 1/2 week of withdraws vomiting, dizziness, tremors, cold sweats, itching like there were fire ants on my skin, headaches, deprivation of sleep, feeling of despair, for making me pray for death, for making me want to kill myself and other feelings I can't put into words. For pain and suffering for this 2 1/2 week for mental stress and anguish physical and psychological torture.

E) \$10,000,000.00 for the pain and suffering I've endured physically from February 7, 2007 until this present date.

F) \$5,000,000.00 for psychological suffering and pain for the thoughts of killing myself because of Dr. Sullivan giving me Tramadol and its side effects of increasing thoughts of suicide.


G) Grant such other relief as the court may deem just and proper.

H) THIS IS WITH A JURY DEMAND ON ALL ISSUES.

#### VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those I believe them to be true and accurate. I certify under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

DATED This 18 day of MAY, 2009

  
LUIS A. RAMIREZ 244212  
CCI  
P.O. Box 900  
Portage, WI 53901-0900